IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2753 OF 2005

Rajaram Hari Yadav & Ors. .. Petitioners.
Vs.
Shyama Bandu Yadav & Ors. .. Respondents.

Mr.P.J.Thorat i/b R.A.Thorat for the petitioners.
Mr.Dilip Bodke for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.

DATED : 16TH AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 to 3.

2. By this petition, the petitioners have impugned the order dated 3.1.2005 passed by the Sub-Divisional Officer, Karad in revision under section 257 of the Maharashtra Land Revenue Code, 1966 allowing the revision application and setting aside the judgment and order dated 23.7.2004 passed by the Tahasildar. By that order the Tahasildar had allowed the application filed by the petitioner under section 5 of the Mamlatdars Court Act, 1906 directing the respondents to remove the Shed erected on Gat No.499 of Mouje Yerwala, Taluka Karad, causing obstruction on the road, which was in existence for several years.

There is no dispute that on the same set of facts and for similar reliefs two suits were filed by the petitioner. The first one was filed before filing of the application under section 5 of the Mamlatdar Courts Act and another after filing of the application under section 5. The first suit was withdrawn whereas the subsequent suit where the similar reliefs were claimed came to be dismissed on merits. Even the appeal carried by the petitioner also came to be dismissed. Keeping that in view and considering the overall facts and circumstances of the case no ground whatsoever is made out for entertaining the instant writ petition under Article 227 of the Constitution of India, hence the writ petition is dismissed.

(D.B.Bhosale, J.)